

## REMARKS

Claims 1-17 are pending.

Claims 1-17 are rejected.

### **Amended Claim 1**

Claim 1 has been amended to require that the paper stock contains pulp derived at least in part from coated broke. Thus the terms "from recycled paper comprising coated waste wherein the coating contains latex is deleted."

Support for this amendment may be found on page 1, third paragraph:

Applicants are aware that several rejections were overcome in the response of 9/20/2006 using the deleted terms.

The above new amendment also overcomes the 102(b) rejections of Langley (US 4753710 and US 4913775) and Humphreys (US 6103065).

A standard definition from Smook "Handbook of Paper and Pulp Technology" for white pitch is as stated in the Examiner's recent reply defines white pitch as agglomerated white stickies in repulped stock which are derived from the synthetic binders in coated broke.

### **US4753710**

Examples 4, 8 and 9 of US '710 use "broke" in the wood furnish. Example 12 uses "white water" in the furnish. Neither "broke" nor "white water" indicate coated broke. There is no mention in US '710 that the furnish sources come from coated broke.

This is important as coated broke is the source for white pitch as clearly defined by in the Smook handbook kindly provided by the Examiner in the last Office Action.

The Applicant submits that the structure of the present claims is not disclosed by US '710 because US '710 makes no mention of "coated broke".

Thus there can be no anticipation and the rejection remains overcome.

## **US 4913775**

As pointed out in the response of 9/20/2006, the pitch discussed in US '775 is different than "white pitch".

Examples 1, 2, 3 dilute furnish with "white water". Examples 4, 5, 9, 15 and 20 dilute the furnish with "broke". Broke is not necessarily coated broke. White water refers to the process water within a paper machine system, especially referring to water that is drained from paper as the sheet is being formed.

Thus no pulp is derived or suggested to be derived from coated broke in either of the Langley citations.

The structure of the present claims is not disclosed by US '775 because US '775 makes no mention of pulp derived at least in part from "coated broke". Thus the method for reducing white pitch is novel.

### **In regard to the earlier 102(b) rejection on the basis of Humphreys et al., US 6103065:**

The same argument applies to the present amendment. Humphreys makes no mention of coated broke at all.

The examples of Humphreys use recycled coated paper. See column 7, lines 33-35.

The Examiner may not assume that the coated recycled waste disclosed in Humphreys is coated broke. This would be conjecture, an improper standard for anticipation.

Consequently, as US 6,103,065 makes no disclosure of a paper stock containing pulp that has been derived at least in part from coated broke which would give rise to white pitch, there is no disclosure of a method of reducing levels of white pitch. Therefore, claim 1 as amended is novel over the disclosures of the Langley's and US 61003065.

As of the last Office Action (mailed on 02/05/2007), the Examiner believes that the Applicant has not made a convincing argument that stickies or tackies are not "white pitch". See page 3 of Office Action.

However, the Applicants have now amended claim 1 to more precisely define what is meant by white pitch.

In the definition supplies by the Examiner (Smook):

WHITE PITCH: Term used to describe agglomerated white stickies in repulped stock which are derived from the synthetic binders in coated broke.

The Applicants believe this definition (coated broke) eliminates ambiguity present in the previous deleted definition (recycled paper comprising coated waste wherein the coating contains latex) in the present claims.

### **35 USC 103(a)**

**Claims 1-11 and 13-17 are rejected under 35 USC 103(a) as being unpatentable over Langley et al (US 4913775) in view of Smook.**

Examiner agrees that Langley does not disclose reducing the deposition of white pitch or that the recycled paper comprises paper containing latex. Langley does however, mention removal of pitch or stickies in column 13, lines 5-17 and 32-33. The Examiner has used Smook to equate the term "stickies" to "white pitch". Thus the Examiner alleges that one skilled in the art would understand that stickies can arise from recycled coated paper and comprise latex and/or white stickies (white pitch), and consequently, any treatment targeting removal (reduction) of stickies in papermaking pulps would be expected to also apply to recycled coated paper comprising latex and /or white stickies.

Applicants have amended to define the term "white pitch" as the potentially deposit-forming coating components in pulp derived at least in part from coated broke.

White pitch as defined by Smook is derived from coated broke. There is now no confusion between the term "stickies" disclosed in Langley and the more specific term "white pitch".

The term stickies as defined by Smook applies to sticking conditions in secondary fiber or papermaking systems created by such contraries as ink residuals, tars, latexes, and heat-melt materials.

White pitch is a considerable more narrow term than "stickies" as white pitch is specifically derived from coated broke. Thus the terms "white pitch" and "stickies" are not directly interchangeable. Whereas, "stickies" **might contain** white pitch, coated broke **will contain** white pitch as the term "white pitch" is used to refer to an agglomeration source of repulped fiber (coated broke).

There is no suggestion in Langley to use furnish containing white pitch (source=coated broke) as argued above. Thus the reference cannot make obvious reducing levels of white pitch.

Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Langley et al in view of Shimasaki, US 5262570.

Langley as argued above is deficient in that there is no suggestion for using pulp derived from coated broke which gives rise to white pitch. US 5262570 does not make up for this deficiency.


Reconsideration and withdrawal of the rejection of claims 1-17 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-17 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

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Respectfully submitted,

  
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